

May 14, 2024

VIA ECF

Hon. Arun Subramanian
U.S. District Court S.D.N.Y.
500 Pearl Street, Courtroom 15A
New York, New York 10007

Re: Nike, Inc. v. lululemon usa, inc. (Case No. 1:23-cv-00771-AS)

Dear Judge Subramanian,

Pursuant to the Scheduling Order (ECF No. 56) and paragraph 3(E) of Your Honor's Individual Practices, Plaintiff Nike, Inc. ("Nike") and Defendant lululemon usa, inc. ("lululemon") (collectively "parties") hereby request leave to conduct the deposition of James Malackowski, an expert retained by lululemon, 3 days after the close of expert discovery.

Expert discovery closes in this case on June 15, 2024. ECF No. 56. lululemon informed Nike that Mr. Malackowski will be unavailable for a deposition before the close of expert discovery. As a result, the parties have agreed to conduct the deposition of Mr. Malackowski on June 18, 2024. No other requests to take expert depositions out of time have been made in this case. Taking this deposition out of time will not impact any other deadlines in this case.

Application GRANTED.
The Clerk of Court is directed to
terminate the motion at ECF No.
126.

SO ORDERED.



Arun Subramanian, U.S.D.J.
Date: May 15, 2024

Best regards,

Ali S. Razai

Ali S. Razai (admitted *pro hac vice*)
Brandon G. Smith (admitted *pro hac vice*)
Joseph F. Jennings (admitted *pro hac vice*)
Knobbe, Martens, Olson & Bear, LLP
2040 Main Street, Fourteenth Floor
Irvine, CA 92614
Email: ali.razai@knobbe.com
brandon.smith@knobbe.com
joe.jennings@knobbe.com

Inzer C. Ni (SBN 5613641)
Stacy Rush (SBN 5973946)
Knobbe, Martens, Olson & Bear, LLP
1155 Avenue of the Americas, 24th Floor
New York, NY 10036
Email: inzer.ni@knobbe.com
stacy.rush@knobbe.com

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Jonathan E. Bachand
Knobbe, Martens, Olson & Bear, LLP
1717 Pennsylvania Ave N.W., Suite 900
Washington, DC
Email: jonathan.bachand@knobbe.com

Yanna S. Bouris
Knobbe, Martens, Olson & Bear, LLP
1925 Century Park East, Suite 400
Los Angeles, CA 90067
Email: yanna.bouris@knobbe.com

Attorneys for Defendant lululemon usa inc.

Christopher J. Renk
Christopher J. Renk (admitted *pro hac vice*)
Michael J. Harris (admitted *pro hac vice*)
Aaron P. Bowling (admitted *pro hac vice*)
Arnold & Porter Kaye Scholer LLP
70 W. Madison Street, Suite 4200
Chicago, IL 60602
Email: chris.renk@arnoldporter.com
michael.harris@arnoldporter.com
aaron.bowling@arnoldporter.com

Michael J. Sebba (SBN 5398540)
Arnold & Porter Kaye Scholer LLP
777 South Figueroa Street, 44th Floor
Los Angeles, CA 90017-5844
Email: michael.sebba@arnoldporter.com

Bridgette C. Gershoni (admitted *pro hac vice*)
Michael J. Gershoni (admitted *pro hac vice*)
Kathleen P. Duffy (SBN 1040190)
Lindsey C. Staubach (admitted *pro hac vice*)
Joseph M. Galvin (admitted *pro hac vice*)
Arnold & Porter Kaye Scholer LLP
601 Massachusetts Ave., NW
Washington, D.C. 20001
Email: bridgette.gershoni@arnoldporter.com
michael.gershoni@arnoldporter.com
kathleen.duffy@arnoldporter.com
lindsey.staubach@arnoldporter.com
joe.galvin@arnoldporter.com

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Hilda A. Obeng (admitted *pro hac vice*)
Arnold & Porter Kaye Scholer LLP
250 West 55th Street
New York, NY 10019-9710
Email: hilda.obeng@arnoldporter.com

Attorneys for Plaintiff Nike, Inc.